

2 FAM 1160

INFORMATION COLLECTIONS UNDER THE PAPERWORK REDUCTION ACT (PRA)

(CT:GEN-331; 08-09-2006)
(Office of Origin: A/ISS/ DIR)

2 FAM 1161 GENERAL

2 FAM 1161.1 Information Collection Policies

(CT:GEN-331; 08-09-2006)
(State Only)

- a. Collections of information by Department offices, e.g., surveys, forms, etc., are generally subject to the Paperwork Reduction Act (PRA) and its implementing regulations, regardless of whether the collections are mandatory or voluntary, and, with limited exceptions, of the identity of the persons from whom the information is collected. If a specific proposed information collection is determined to be subject to the PRA, it must undergo an Office of Management and Budget (OMB) review and approval process, which normally takes months. Department offices and employees must have proper authorization from OMB to conduct any information collections. Collections that lack OMB approval or those that have expired cannot be enforced.

NOTE: OMB approval is for a maximum of three years. Because of certain mandatory PRA notice, comment and review periods, in order to obtain a renewal or authorization to collect information, originating offices should plan on beginning the PRA information collection submission process at least eight months prior to the expiration date of the current collection.

- b. It is Department of State policy that all information collections are approved through a single program management office and procedure. The Office of Directives Management (A/ISS/DIR) has been assigned the responsibility for monitoring, reviewing, and clearing information collections and for transmitting them to and liaison with OMB.
- c. In accordance with the PRA, originating offices should ensure that information collections:

- (1) Collect only necessary information;
 - (2) Minimize the burden imposed on the public;
 - (3) Maximize the practical use of the information collected; and
 - (4) Do not duplicate already existing information collections.
- d. Whenever possible, collection instruments should be made available electronically (on the Department of State's Internet Web site or in-house OpenNet and ClassNet, as appropriate).

2 FAM 1161.2 Scope

(CT:GEN-331; 08-09-2006)
(State Only)

- a. These policies cover all new, revised, and existing information collections, such as printed or interactive forms that can extract report information from databases and voluntarily/involuntarily-supplied information.
- b. These policies and procedures apply to all Department of State employees and contractors worldwide.

2 FAM 1161.3 Authorities Pertaining to Information Collections

(CT:GEN-331; 08-09-2006)
(State Only)

Authorities include:

- (1) The Paperwork Reduction Act of 1980 (Public Law 96-511), as amended by the Paperwork Reduction Act of 1995 (Public Law 104-13) (44 U.S.C. 3501 - 21);
- (2) 5 CFR 1320 (PRA implementing regulations);
- (3) The Privacy Act of 1974 (5 U.S.C. 552a);
- (4) Title 44 U.S.C. 21, 29, 31, and 33;
- (5) FIRMR 201-45.104 (Issued by the Government Services Administration (GSA), contains policies, requirements, responsibilities, and guidelines for managing, administering, and implementing forms management programs in Federal agencies); and
- (6) The Small Business Paperwork Relief Act of 2002 (SBPRA).

2 FAM 1161.4 Who Is Responsible for an

Information Collection?

2 FAM 1161.4-1 Chief Information Officer (CIO)

(CT:GEN-331; 08-09-2006)
(State Only)

The Chief Information Officer (CIO—the head of the Office of Information Resource Management), has been delegated authority for the Department of State’s PRA compliance, which has redelegated that authority to the Assistant Secretary for Administration (A).

2 FAM 1161.4-2 Assistant Secretary for Administration (A)

(CT:GEN-331; 08-09-2006)
(State Only)

The Assistant Secretary for Administration (A) certifies that each Department of State collection of information from the public meets PRA provisions.

2 FAM 1161.4-3 Office of Directives Management (A/ISS/DIR)

(CT:GEN-331; 08-09-2006)
(State Only)

- a. The Department’s Information Collection (IC) Coordinator is located in the Office of Directives Management (A/ISS/DIR). A/ISS/DIR administers the information collection program for the Department under the authority of the Chief Information Officer (CIO) and the Assistant Secretary for Administration (A).
- b. A/ISS/DIR:
 - (1) Oversees information collection standards and guidelines;
 - (2) Reviews information collection submissions, analyzes documentation, and makes recommendations of proposed collections to the Assistant Secretary for final approval or denial;
 - (3) Develops and provides reports to OMB on all Department information collections as required;
 - (4) Maintains the Department’s record of all information collections subject to the PRA;
 - (5) Assists in identifying and/or specifying necessary information collection clearances; and
 - (6) Provides required information collection format and technical

assistance as needed.

- c. DIR reviews any proposed information collections or changes to existing collections to ensure that the program policies stated in 2 FAM 1161 are achieved.
- d. DIR works with originating offices to ensure that information collections are renewed, revised, or discontinued before their approval period expires. DIR will provide guidance and required reporting time lines.
- e. DIR conducts liaison with:
 - (1) The Office of Management and Budget (OMB) on all matters relating to the Department's information collections and PRA compliance (including requests for determinations, public use forms, etc.); and
 - (2) The Federal Register. (See 2 FAM 1120.)

2 FAM 1161.4-4 Department Originating Offices

(CT:GEN-331; 08-09-2006)
(State Only)

- a. Department of State originating offices seeking to create a new, or to revise or extend an existing, information collection are responsible for:
 - (1) Consulting with A/ISS/DIR prior to:
 - (a) Formally submitting the information collection to DIR for processing; or
 - (b) Obtaining other-bureau clearance on or using any information collection;
 - (2) Meeting documentary requirements for creation, development, design and approval review;
 - (3) Taking advantage of or modifying existing information collections to accomplish their mission; and
 - (4) Obtaining necessary clearances, including clearance from the originating office's deputy assistant secretary or equivalent, the executive director, and their respective legal offices.
- b. Originating offices must minimize the hour and cost burdens associated with their collections, and consolidate collections and their results whenever practical.
- c. Originating offices must review and either renew, revise, or discontinue information collections before their approval period expires.
- d. Originating offices should make the information results available to the public, unless prevented by the Privacy Act or other sensitive or classified considerations.

2 FAM 1161.4-5 Posts

(CT:GEN-331; 08-09-2006)
(State Only)

- a. Principal officers at posts abroad must also implement the standards and procedures prescribed in these regulations.
- b. Posts must review and either renew, revise, or discontinue their information collections before their approval period expires.
- c. When a post needs to create, modify, or discontinue an information collection, they should follow the process outlined in 2 FAM 1160. This includes review and approval by the regional bureau's executive director, A/ISS/DIR, OMB, and others, as appropriate.

2 FAM 1161.4-6 Office of the Legal Adviser

(CT:GEN-331; 08-09-2006)
(State Only)

The Office of the Legal Adviser (L) determines if information collections are subject to PRA and reviews the PRA submission package (see 2 FAM 1163.2). Originating offices must consult with the L office that provides them with legal services, which normally will clear for L. That L office may consult with the L office responsible for PRA issues.

2 FAM 1162 COLLECTION TYPES

2 FAM 1162.1 Public Reports

(CT:GEN-331; 08-09-2006)
(State Only)

Public Reports are information collections by which, generally, forms are not used to gather the information. Instead, the reports are collections of information extracted from automated data processors, or where the information is gathered by survey, questionnaire, memorandum, or means other than by using a form.

2 FAM 1162.2 Public Use Forms

(CT:GEN-331; 08-09-2006)
(State Only)

Public Use Forms are documents used by members of the public to submit information to the Department (or other Government entity).

2 FAM 1162.3 Recordkeeping Requirements

(CT:GEN-331; 08-09-2006)
(State Only)

Recordkeeping requirements for members of the public are subject to the PRA and must have OMB approval.

2 FAM 1163 PROCEDURES

2 FAM 1163.1 Is the Proposed Information Request Subject to the PRA?

(CT:GEN-331; 08-09-2006)
(State Only)

Most, but not all requests for information from individuals, businesses, non-governmental organizations, and state and local governments are subject to the PRA. If an office or post is considering any request for information from such entities, including requests posted on websites, they must consult with A/ISS/DIR and L to determine if the request is subject to the PRA. The PRA and its implementing regulations contain specific definitions of key terms such as “collection of information,” “persons,” “conduct or sponsor,” and “information.” While broadly defined, some of these definitions, as well as other statutes, contain exceptions from the PRA.

2 FAM 1163.2 Initiating an Information Collection (IC)

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(State Only)

- a. Offices tasked with information collection responsibilities should coordinate with the Information Collection Coordinator, located in A/ISS/DIR. Contact DIR’s IC Coordinator as soon as possible, well before submitting any draft information collection for approval.

NOTE: If the information collection involves the creation of a new, or the revision of an existing, form, the Forms Management Officer in A/ISS/DIR will contact the originating office to discuss form-specific guidance. If the information collection involves a renewal of a collection, the originating office should consult with DIR regarding what modifications to the process below are required.

- b. Initially, originating offices should:
 - (1) Research the collection’s goals, audience, proposed collection

- method, results of the information's use and availability, and other relevant considerations;
- (2) Write a description of what the information collection is designed to accomplish and its associated time and cost burdens (including costs for imposed recordkeeping requirements); and
 - (3) Review OMB Form 83-I, Paperwork Reduction Act Submission, to see what information is required for an OMB approval.
- c. The originating office must then provide DIR with material and any documentation describing the concept for the collection. The originating office must also be able to discuss the collection's use and availability to the public.
- d. After consulting with DIR, the originating office must ensure that:
- (1) No existing version of the information collection (or one that seeks the same information, or has the same purpose) can be revised to accommodate the new information;
 - (2) The reestablishment of a discontinued collection will not suffice; and
 - (3) The material is revised to include any changes to the previous submission. All submissions must address any mandated requirements not noted in the last submission.
- e. A/ISS/DIR will provide drafting guidance and will review an electronic draft copy before it is formally submitted to OMB. See the A/ISS/DIR Website for additional guidance and forms required.

2 FAM 1163.3 Submitting and Processing PRA Packages

(CT:GEN-331; 08-09-2006)
(State Only)

- a. If the information collection package is being done as part of a rulemaking, somewhat shorter and different procedures apply. In such cases originating offices should consult with A/ISS/DIR and with their legal offices for guidance regarding the process.
- b. The electronic draft review and approval process proceeds as follows:
 - (1) The originating office sends the final draft of the PRA submission package for review, comments, and clearance to their legal office and to IRM (E-Government coordinator), along with a courtesy copy to A/ISS/DIR;
 - (2) After any reviewing official issues are resolved and after obtaining their legal office and IRM clearances, the originating office submits the package to their designated DAS or their executive director for

approval; and

- (3) Finally, the originating office hand-delivers a “60-day PRA submission package,” along with all approvals and clearances, to A/ISS/DIR for processing.
- c. The complete 60-day PRA submission package (in both paper and electronic formats) must include:
- (1) A memorandum to the Assistant Secretary for Administration (A) transmitting the 60-day notice and requesting approval to issue the notice;
 - (2) A completed OMB Form 83-I, whose documentation must match supporting statement figures;
 - (3) A supporting statement addressing the required eighteen questions concerning the collection, which includes:
 - (a) Explaining how the proposed information collection relates to, or supports, the objectives of the program, etc.;
 - (b) Confirming that similar data cannot be obtained from other sources;
 - (c) Containing burden figures that include:
 - Number of respondents who complete one response and any originating office recordkeeping requirements;
 - Number of responses (collected annually);
 - The estimated time it takes to complete one response (in minutes or hours); and
 - The financial cost to a respondent to complete one response.
 - (4) A 60-day notice to the Office of the Federal Register (OFR) (originals submitted in paper and electronic formats—see 2 FAM 1120);
 - (5) Copies of pertinent statutory authorities and regulations (or links thereto)—and an indication whether the proposed information collection supersedes existing collections; and
 - (6) The latest draft of any proposed collection instrument.
- d. DIR will submit the 60-day public notice to the Federal Register for publishing. Once published, the originating office will collect all public comments.
- e. After the 60-day review period, the originating office incorporates public comments in its final “30-day PRA submission package.”
- f. The complete 30-day PRA submission package (in both paper and

electronic formats) must include:

- (1) A memorandum to the Assistant Secretary for Administration (A) transmitting the 30-day notice to the Federal Register and requesting approval to issue the notice;
 - (2) The final version of the OMB Form 83-I, Paperwork Reduction Act Submission, for A Bureau signature);
 - (3) The supporting statement (addressing all 18 requirements);
 - (4) The 30-day notice to the Federal Register (originals submitted in paper and electronic formats—see 2 FAM 1120);
 - (5) Copies of the public comments;
 - (6) A copy of the published 60-day notice;
 - (7) Copies of pertinent statutory authorities and regulations; and
 - (8) A copy of the final collection instrument.
- g. DIR reviews and submits the 30-day package to the Assistant Secretary for Administration for final approval.
- h. After the A Bureau review and approval, DIR will forward the 30-day PRA submission package to OMB, consisting of:
- (1) A completed and signed OMB Form 83-I;
 - (2) A supporting statement;
 - (3) A copy of the 60-day notice and a summary of the public comments received, including actions taken by the bureau in response to the comments;
 - (4) Copies of pertinent statutory authority and regulations;
 - (5) A copy of the proposed collection final form or format; and
 - (6) A copy of the 30-day notice (also sent at the same time to the OFR).
- i. Usually after 30 days, OMB will issue an approval or denial for the information collection. (This process of approval could take up to two months or more).

NOTE: All changes or revisions to a form require a Form DS-1855, Request for Approval and Development of a Form (see 2 FAM 1153.1 d, Initiation).

2 FAM 1163.4 Information Collection Implementation

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(State Only)

- a. After OMB approves the information collection, DIR will inform the originating office of OMB's decision and, if applicable, post the form to the Internet. The originating office may then begin collecting the information.

NOTE: OMB approval is valid only for 3 years. If the originating office chooses to collect the information for another 3 years, the process must be repeated. DIR will notify the originating office 1 year prior to each collection's expiration date and request that the originating office begin this process at least 10 months before the expiration date. To accommodate any changes required during the 3-year life of the collection instrument, the originating office must fill out an OMB Form 83-C, Paperwork Reduction Act Change Worksheet, to correct or update any information on file at OMB.

- b. Forms only: After the originating office approves the form's final design, receives final clearance from OMB, does an on-site test of the form, and certifies its availability over the Internet, the form may be used to collect the information.

2 FAM 1163.5 Paperwork Reduction Act Statements

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(State Only)

- a. All information collections must have a Paperwork Reduction Act statement and, if required, a Privacy Act Statement. This information must be on the form or its accompanying instructions.
- b. The form or collection instrument must contain the OMB number, expiration date, and estimated public burden. This includes the time and cost amounts for completing one form or the instrument, time required for recordkeeping and/or obtaining any necessary documentation, and the time necessary for storing the form and its attendant documentation.
- c. The legal authorities for the information collection are contained in the statement itself. It explains that the information may not be required if the OMB approval has expired. It also explains any consequences that may be incurred for not providing the information—a violation of PRA compliance.
- d. L must review any draft statements before submission.

2 FAM 1163.6 Preparing Related Directives

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The applicable directives in the Foreign Affairs Manual (FAM) or Foreign Affairs Handbooks (FAH) will require changes to include new or revised instructions for the information collection. (See 2 FAH-1 for instructions for preparing FAM/FAH changes.)

2 FAM 1163.7 Collections Affecting Business or Small Entities

(CT:GEN-331; 08-09-2006)
(State Only)

If your collection will affect a business or a small entity, as indicated on your OMB Form 83-I, you must obtain review and clearance from the following offices:

- A/SDBU, Office of Small and Disadvantaged Business Utilization;
- EB/CBA, Office of Commercial and Business Affairs; and
- IRM/BPC/EAP, E-Gov Program Management Office.

2 FAM 1164 DISCONTINUING A COLLECTION

(CT:GEN-331; 08-09-2006)
(State Only)

- a. All areas of the Department and posts having jurisdiction over operations involving information collections must review these requirements periodically in order to eliminate those that are no longer needed. This must be done before the collection date expires.
- b. When a review of operations indicates that an information collection should be discontinued, notify A/ISS/DIR (Information Collections Coordinator and the Forms Team Manager) as soon as possible. Submit an OMB Form 83-D, Paperwork Reduction Act Collection Discontinuation Form, to discontinue the form.
- c. A/ISS/DIR will send Form 83-D to OMB for acknowledgement of discontinuing the form. OMB will forward a Notice of Action to DIR, and DIR will notify the originating office and close out the DIR collection.

2 FAM 1165 THROUGH 1169 UNASSIGNED